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WOMEN'S HUMAN RIGHTS

The United Nations Commission on the Status of Women actively monitors the situation of women worldwide and promotes equality between men and women in all societies. It makes recommendations on issues affecting women and suggests policy goals for UN Member States. The Commission is also empowered to receive complaints on violations of the rights of individuals or groups of women. In this edition of **World Chronicle**, Patricia Flor, Chairperson of the UN Commission on the Status of Women, talks about the struggle of women to achieve equal rights around the world.

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ANNOUNCER: From United Nations Headquarters in New York, this is **World Chronicle**, an unedited interview programme about major global issues.

Here now to introduce our guest is the host of today's **World Chronicle**.

WILLIAMS: I'm Ian Williams, sitting in for Michael Littlejohns, and this is **World Chronicle**.

Since 1947, the United Nations Commission on the Status of Women has been in the forefront of international efforts to promote equality between men and women. In its latest session, it discussed, among other things, the role of women in the 21st century. What then have been the recent achievements of the 45-nation commission -- and what does it foresee for the future?

Our guest today has been playing a leading role in current developments. She is Patricia Flor, Chairperson of the United Nations Commission on the Status of Women. Joining me to talk with Ms. Flor is Betsy Pisik of the *Washington Times* and Judy Lessing of *Radio New Zealand*.

Ms. Flor, welcome to **World Chronicle**.

FLOR: Thank you.

WILLIAMS: I noticed in your résumé that you're a journalist yourself so you'll understand that not all of us are going to be totally excited by the news that you have adopted an Optional Protocol unless you can tell us what the Optional Protocol is and does.

FLOR: Well, you should be excited, and what it does is very simple. It gives women, individual women around the world, a right of petition. It gives them the right to bring a complaint that they have. For instance, because they feel their rights have been violated, they are not given equal treatment, they are discriminated against, it gives them the right to then complain directly to the United Nations about that. It is that what it will do, and so on I hope. And that means after, of course, adoption in the General Assembly and then ratification by ten States Parties, then it will enter into force and women will get this right which they've waited for long enough, I would say.

WILLIAMS: Well, women have always had the right to complain. The question is,

is anyone going to do anything about their complaints when they make it?

FLOR: Yes, yes, indeed. The mechanism will be that they will issue a complaint, it will go to the relevant committee – there's a Committee on the Elimination of all forms of Discrimination against Women, it's called CEDAW Committee – and this Committee will then look at these individual complaints. And it will, of course, enter also into dialogue with the relevant States Party and it will then issue recommendations how to remedy the situation. And, of course, the hope would be that in the end there will be a recommendation which will in fact ask the state to either change legislation or to change whatever rules they have of implementing them, to establish new types of, for instance, positive action for women to finally eliminate discrimination and so forth. So it will be a very concrete instrument in fact to assist women in finally getting gender equality and non-discrimination.

PISIK: That's all very well in theory but is there any kind of enforcement mechanism that would actually put teeth in those demands or recommendations?

FLOR: Well, we are in the realm of the United Nations but we don't have really a sanction mechanism, or to put it differently, this committee is not a court in the sense that it can issue a court order and then enforce really the implementation. But you should not forget the moral force behind that and, of course, a lot depends on public reaction on the media. So the hope is that really the moral force of discussing a case of an individual woman who is suffering from discrimination, for instance, will in fact encourage the state to take some remedial measures. And of course there is some monitoring mechanism in the sense that the committee will look at the report from the State Party, what it has done about the concrete case, so it's not that the committee makes recommendation, everything is forgotten. No, it will come back. It will look at the steps the State Party has taken to actually follow up on that.

LESSING: But does this mean that a woman who has a complaint or perhaps a small group of women, do they have to come from countries which have recognized the protocol or can they come from any country?

FLOR: They must come from a country that has recognized the Optional

Protocol and the convention, so there are in fact three conditions that's very important. First, the state must ratify the convention itself, CEDAW, and if I may I would launch an appeal to all states to do so. We wanted to achieve universal ratification by the year 2000. As you know, it's not a long time off so I would call on all States Parties to finally come and ratify the convention. Secondly, the state must ratify the Optional Protocol and there's a third condition and that is the woman must have exhausted the remedies on the national level. But of course that, in a country like Germany, that would not be a problem. She would go through the legal proceedings in Germany because that's her first good chance, but if she is unable to get justice there she can bring her case to the United Nations.

LESSING: I am curious also about – first of all there seems to be some hedging around this one in the sense that certain things have to be in place. But even so, how will individual women or small groups find out that they have this right?

FLOR: Well, I hope that first of all of course the United Nations will use all its means in order to publicize the existence of the Optional Protocol. What I mean by saying that is of course the UN has the Department for Public Information and so forth. It has also has websites. We know that this will not reach women, for instance illiterate women in a developing country, but there are other actors that can in fact reach those women such as non-governmental organizations. We are of course hoping that women's organization all around the world will take this Optional Protocol to heart as a tool for them to assist women and secondly, of course, the UN is present in many, many countries – UNICEF, UNIFEM, UNDP and so forth – and these UN agencies and funds and programmes should also promote the use of the Optional Protocol. They should assist women in actually using it.

WILLIAMS: To whom do they actually complain? Those of us that are familiar with the United Nations and its internal mail system – I would not hold out much hope for a speedy complaint making its way through the bureaucracy to the right desk. Are you going to have a free phone number or a fax number or ....

FLOR: It's basically going to be a letter that explains what the complaint is of course, with some kind of proof or evidence that substantiates the case brought. And

then at the Committee, we will all be in session twice a year. So depending on how many complaints there are and depending what is still to be negotiated, how long the meeting time of the committee will be in terms of discussing these cases, we will see how long you actually have to wait. But from my point of view, of course, there is no justification for making women wait longer than at the longest this half year that it takes to get to the next session of the Committee, because in many cases they might be urgent. It's not in all cases that you can say let's simply wait for another year.

WILLIAMS: But to whom in particular should they address the letter? To you for example?

FLOR: They can write to the Secretary-General, to the High Commissioner for Human Rights . As I said they can write to whoever they want in the UN and of course it will find its way to the appropriate mechanism. So for instance, given the example that's done already now in Geneva for instance in the Office of the High Commissioner for Human Rights, if there are complaints they look at it in terms of the Secretariat and then they say this is the appropriate committee to deal with it and they redistribute. But I would be fairly sure that the UN manages to pass it on to the appropriate CEDAW committee.

PISIK: One of the things I am wondering at – there's no question that women have complaints that are legitimate but why do women in say, Afghanistan, have more of a right to complain directly on their own behalf to the United Nations than say Christians who are persecuted in China or indigenous people in the United States or Canada or Australia? Why is this a right that is exclusively extended to women?

FLOR: It's not. It's not. In fact it's the other way around. If you look at it the adoption of the Optional Protocol will in fact end a *de facto* discrimination of women in the sense that you had similar complaints mechanisms under other human rights instruments. So for instance what you said about religious persecution and other things like that, that's covered in the covenant on civil and political rights and there exists already for more than a decade an optional protocol to that covenant which allows these other people that you name to bring a complaint before the UN. So in fact, women until now, until this year, had been deprived of their right to complain under their convention, the

Women's Rights Convention. And that is what we finally achieved and I am happy to see that it came before the end of this session.

WILLIAMS: In looking forward, the other thing that you looked at was women of the 21st century and as we approach the end of the 20th century, it does not look very good in many parts of the world with sort of mass rape as a tool of war, medieval discrimination being reintroduced in countries where there had been measures of emancipation of women. What we're looking forward, as we said at the rubric of the programme, what do you say is the future for women's rights in the 21st century? Better? Worse?

FLOR: I see gender equality clearly because ...

WILLIAMS: Even in Afghanistan? In Kosovo?

FLOR: You must take, I think, a long-term prospective. So if you go back for instance to 1948 to the founding of the United Nations and you look for instance in how many countries women didn't have a right to vote, well, it was a small majority. They did not have it in France at that time. They didn't have in Switzerland of course and in many countries that are so-called developed countries or advanced. If you go and look at it now you will see that there is really one country only remaining denying that right of women, so there has been a lot of progress. This does not mean that it's only progress and there are no setbacks and there are no counter-forces if I may say so. It's not an easy battle but we have achieved a lot. The same is true for economic activities of women – non-discrimination or equality in terms of law, legal equality and so forth. So we should not be too pessimistic and clearly the goal stays gender equality. And I am sure that if what we have done so far women around the world really combine their forces and push for that because it's their right that they can indeed achieve a lot and achieve gender equality. And if I may add one other thing and that's of course it's also about men. We really cannot, of course, change half of the equation leaving the other part out of it and that is really what we haven't achieved yet. We need to get men involved in our struggle and I can tell that there are a lot who are absolutely sympathetic, who see the advantages to them of having a more equal distribution of responsibilities and so forth. And that is why

they will support us and that is of course another very important thing.

LESSING: But it's one thing to have laws on books – and I am not questioning what you've said about certain forms of progress – but if you follow the expert committee that looks after this particular convention against discrimination against women, you discover that a lot of countries have the laws but don't do terribly much in practice. How do you deal do that? You talk about moral authority but it has to be more than that, surely?

FLOR: Surely. I mean the main goal is to have measures in addition to the laws to make full implementation possible. So for instance it is easy to pass a law that says no discrimination of women is allowed in any sector of society then you go say to employment and you realize okay you have unequal pay, you have a wage gap that still persists. And then of course the state and the government should look at specific measures that could be taken. And if I might bring in here that the Commission, during its session this year, looked at institutional mechanisms for the advancement of women and there very clear recommendations and also demands. So for instance you should have on a higher level – on **the** highest level in fact – either a minister in charge of promoting women or somebody in the prime minister's office dealing with that. You should equip this office or ministry with the financial resources, the staffing and so forth needed to for instance look at all legal measures in terms of the gender impact and to then suggest and recommend compensatory measures so that if they see that here are unequal consequences for women and men that they make a positive and affirmative action possible for women.

WILLIAMS: This is **World Chronicle.** Our guest is Patricia Flor, Chairperson of the United Nations Commission on the Status of Women.

PISIK: One of the things I was wondering, you were just talking about the need to appoint specific ministries to look after women's rights, what do you do in countries or cultures where this is not actually quite desirable? I'm thinking of places where there are religious laws or cultural norms where women are not equal. Places where women don't drive or are not allowed to work outside the home – not just Afghanistan but there are lots of other places like this. Do you see progress in some of these more entrenched cultures?

FLOR: Yes, I do see progress and I would like to take one example. It's a recent example. Algeria did present its report on the implementation of this women's rights convention recently and the Algerian government very clearly stated that they are currently looking at revising their family laws, and of course that's a core area of inequality usually in many, many countries. That they are looking at revising these laws taking them away from the basis of *shari'ah* law, which is of course the traditional religiously coined Islamic law and putting it on the basis of the Convention. And of course that will be major progress if they manage to do that. And equally, some of it is clearly visible in Tunisia and in other countries. It's not, as I have said before, that you could simply draw a line and could say yes from here we only make progress, you know. It varies and you have counter-forces and you have big discussions within these societies but to be quite frank, you cannot in the end legislate gender equality. The societies and the people must understand the concept of gender equality, must subscribe to it in the end to make it really work. And I'm seeing a lot of progress in terms of all the discussions even if they have not yet come to finally changing the law but there is a lot of open discussion about these issues.

LESSING: What about the use of a gender – instead of gender equality, gender-sensitive health systems? Now health systems aren't necessarily going to take women's concerns into account because they're sort of based on men's needs and women are sometimes in many areas second best or not even thought about. How do you make it more equal so that women get what they need and men still get what they need?

FLOR: Well, the first thing you have to do is to make a gender-impact assessment or gender needs assessment. You need to find out what women's health needs are, for instance. And then you need to structure your health system accordingly. Now that has a lot of consequences and in fact it's true that even in many very developed countries the research in medical science is done on men exclusively. So they assume that the body is gender neutral. Whether you're a man or a woman does not matter. If you have an infectious disease you take the same treatment but in fact we have learned that that is not the case. It's not true. So therefore you would need to redirect your research in

order to look at men and women and see whether there is a difference. In some cases there might be none but if there is, you have to adapt all your treatment. The same would be true for the health security systems. If there are different needs you would need to adapt in your whole system to that and of course I think another very important point would be curricula in universities. Unless you sensitize all health personnel, and of course especially the doctors themselves to these differences, then you will not achieve a gender-sensitive health system obviously.

LESSING: But in terms of research sometimes would you not have to make sure that there were resources in the research institutes for this gender sensitivity so that woman's concerns because they might need gearing up in labs they may need different equipment – heaven knows what they might need – but they would need to have more money spent on that particular kind of research?

FLOR: Yes, indeed. That's another demand which has been raised in the Commission and that is what we call gender-sensitive budgeting. Now what does it mean? It's a technical term of course but what it means is very simple. If you draw the budget, for instance your national budget – it might also be at the local level or regional level, whatever – your budget should include indicators that tell you how much of these funds and resources go to the benefit of women versus men so that you would see in your health budget how the division of resources is actually done. We should all know. At the moment we don't know. But there you could see, for instance in the research budget, that maybe 70 percent of it is spent on the needs of more men or more male-oriented diseases. The same, by the way, would be true also for private corporations or organizations, universities and so forth. So it should not be limited really to the governmental sector at all.

PISIK: Reproductive health is certainly a hard core female issue among others and I am wondering – we watched as Member States tried to work out how to advance the Cairo Conference after five years – there seems to be certainly no progress or perhaps just a little. Could you describe whether this is actually a cause for celebration or concern five years after the Cairo Conference in terms of what rights should be extended

and how to pay for it ,which is certainly another issue that is collapsing it seems?

FLOR: Well, first of all, I would like to say that the Commission on the Status of Women discussed the main area of concern of health in the week before the other process started and I was very happy to see that we were able to reaffirm Beijing in all its parts, including reproductive health rights for women and also that we managed in the document to include one specific paragraph which says that for women to have control over their sexuality and reproduction is **the** essential demand. Unless a woman can in fact decide how many children and when, and the spacing, unless she has control for instance also of contraception for protective purposes against HIV/AIDS for instance, she will not be able really to have her health needs covered. And so I was very surprised. And of course this is a cause of concern, certainly, to see that in the follow-up to Cairo they did not manage in the allotted time to find the same agreement. To keep not only Cairo intact but to also take into account what Beijing achieved. Beijing, the World Conference on Women, took place after the Population Conference in Cairo and it went a little bit, you know, over that and so I was concerned to see that. But I also have to say that these negotiations have not yet been completed which means that I am still hopeful that we can keep and safeguard this essential agreement of five years ago and that we can also find a new commitment to initiatives which would, for instance, finally address maternal mortality and other reproductive health issues.

WILLIAMS: Can I tax your diplomatic skill to the utmost? Recently an observer state of United Nations protested because UNFPA was supplying morning-after pills to women who have been raped in Kosovo. How can that be a concept? It's a hard core concept to use Betsy's words in a different context but how can that be reconciled with concern for women's reproductive rights?

FLOR: Well, it's no secret really that for instance the Beijing document and the Cairo document were adopted by consensus, but there were countries and observers that made reservations that said we don't want to make the consensus but we do not agree or share the recommendations given in a specific paragraph. And of course you can imagine why because you talk about issues like abortion, safe abortion for instance, that

wherever women have a right to get an abortion that it must be a safe abortion with no threat to their health and so forth. You are talking about issues which raise profound moral and ethical and religious issues so it's not an easy topic. And of course the consensus we reached, accepted that there are some who disagree, and they have a right to disagree, but that still means we had the consensus that the UN would base its policies on these documents. And therefore of course UNFPA, in all its implementation steps and policies, is totally justified doing that and those who have reservations can of course repeat them.

LESSING: And in fairness Dr. Nafis Sadik did come out a day or two later and say we're not actually giving that specific morning-after pill, she described a somewhat different chemical combination that they're using. A form of oral contraception. But it did put the Population Fund on the spot. A certain story went out and immediately it was like a hot button issue but doesn't it underlie, as far as I was concerned, the hard work that went on from both men and women at the Cairo Population Conference, at the Beijing Conference on Women, all these things this consensus has achieved? You give a bit of time and it starts to fall apart again. You're continually fighting a war.

FLOR: Yes, that is certainly true. I couldn't call it a war though, but it is certainly true that there is no concrete agreement on all of the issues and that of course means that it can always fall apart. And of course you have these diverging forces. There's no secret also that there are some states and governments who would like to go beyond what we said in Beijing or Cairo because they think that of course in a situation like after rape, after sexual violence, that it is totally justified for a woman to try to avoid a pregnancy resulting from violence and in a desperate situation like in a refugee situation. And there are others who, of course for reasons of principle or whatever reasons they have, would rather like to go back on what we said earlier. And that is the basic conflict which we have not yet resolved. And I also don't see that at the moment, we can resolve it because it is, as I said before about societies and women and men deciding on what the rules are that they want to follow in these specific issues. And also the UN is a mechanism that works by consensus . I think it should continue to do that and we cannot in fact impose, we can agree on norms and standards and we should do that. But of course it's

really too much to ask them and say and go and impose on those who at the moment have reservations about that.

PISIK: Changing the subject, the ILO has ....

WILLIAMS: That's the International Labour Organization.

PISIK: --under its new Director, the Director-General of the ILO is going to start paying more attention to what you traditionally call women's work, how important is this in terms of helping women in their own governments, in their own cultures to gain value, to gain recognition, to make contributions to a larger sense ? Is there an understanding of how to quantify or how to measure or promote women's work and contributions?

FLOR: There's agreement that we need to do that so whatever women do, they certainly all work. It might not be paid, but they certainly work and thereby they contribute to the overall economy and to society at large and it's a disgrace that we haven't recognized that. In fact, in modern times, it's only recognized when you can put it into figures and statistics therefore we need to find the ways to do that and that has been a demand also coming from Beijing, in fact, So it's nothing new.

WILLIAMS: Ms. Flor, that's all the time we have. Thank you for being with us on this edition of **World Chronicle.** Our guest has been Patricia Flor, Chairperson of the United Nations Commission on the Status of Women. She was interviewed by Betsy Pisik of *The Washington Times* and Judy Lessing of *Radio New Zealand.* I'm Ian Williams, sitting in for Michael Littlejohns. Thank you for joining us. We invited you to be here with us on the next edition of **World Chronicle.**